

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DEBORAH K. NICHOLS,

Plaintiff,

vs.

**WILLIAM SHANK, an individual and
Chief of the Kimball Police Department,
and SHARON LEWIS, an individual and
Officer of the Kimball Police Department,**

Defendants.

7:05CV5020

ORDER

This matter is before the court on the defendants' Motion to Stay (Filing No. 35). The defendants seek a stay of discovery until after this court rules on the parties' pending motions for summary judgment (Filing Nos. 26 and 32). The defendants' motion challenges the plaintiff's complaint on the basis of qualified immunity, for the individual defendants. Generally, "qualified immunity operates to protect governmental officials from both the burdens of trial and discovery." *Lovelace v. Delo*, 47 F.3d 286, (8th Cir. 1995) (citing *Harlow v. Fitzgerald*, 457 U.S. 800, 814, 817-18 (1982)). The court finds the defendants have shown good cause for a stay until the merits of the dispositive motions are resolved. Upon consideration,

IT IS ORDERED:

1. The defendants' Motion to Stay of Discovery (Filing No. 35) is granted.
2. The parties shall have **ten (10) days** from the date an order is filed on the currently pending motions for summary judgment (Filing Nos. 26 and 32), in which to schedule a planning conference with the court, if necessary. Counsel for the defendants shall contact the court and opposing counsel within such time period to schedule the planning conference.

DATED this 26th day of April, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge